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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,287	03/23/2001	Jun Enomoto	Q62092	4613
7590	07/02/2004	EXAMINER		
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037-3213			DIEP, NHON THANH	
		ART UNIT	PAPER NUMBER	
		2613	8	
DATE MAILED: 07/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/815,287	ENOMOTO ET AL.	
	<b>Examiner</b> Nhon T Diep	<b>Art Unit</b> 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 March 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/7/2002</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____ .                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1- are rejected under 35 U.S.C. 102(e) as being anticipated by Kinjo et al (US 6,219,129).

Kinjo et al discloses a print system comprising the same image processing method in which an original image is read photoelectrically to obtain input image data, and the thus obtained input image data is subjected to image processing to obtain output image data (fig. 1), comprising the steps of: performing first conversion for outputting an image file and second conversion for outputting a print as said image processing on the input image data obtained by a single image reading operation (a single image reading operation = no need to scan image again); and outputting first

image data for outputting the image file and second image data for outputting the print (fig. 1, el. 14 and fig. 2, el. 12-38-54-40-64-72-68 and el. 12-38-54-42-60-62-16, col. 5, ln. 36-61 and fig. 2, el. 38-54-40, 20, 68, 16) as specified in claims 1, 9 and 17-22; wherein a resolution of said single image reading operation is set in accordance with output information of the print and the image file; or wherein said single image reading operation is performed with a resolution corresponding to one of sizes of the image file and the print to be output (col. 22, ln. 30-44 and col. 28, ln. 28-34, since, it is considered that input image data (itself or the one with resolution lowering data) will be the same one to be output as of photometry data of the produced print of (itself or of a resolution lowering data)) as specified in claims 2-3 and 10-11; wherein at least one of said first conversion for outputting the image file and said second conversion for outputting the print includes an output color conversion, or the output color conversion and an image format conversion as said image processing (col. 5, ln. 54 – col. 6, ln. 5) as specified in claims 5 and 13; wherein said first conversion for outputting the image file and said second conversion for outputting the print comprise respective sharpness processing as said image processing, and wherein at least one of a method and an intensity of said sharpness processing is changed in accordance with said first conversion for outputting the image file and said second conversion for outputting the print ; wherein same processing to be conducted in said first conversion for outputting the image file and said second conversion for outputting the print as said image processing is conducted in common as common processing in both of said first and second conversions (col. 8, ln. 15-58) as specified in claims 7-8 and 15-16.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo et al.

As applied to claims 3 and 11 above, it is noted that Kinjo et al does not particularly disclose that the single image reading operation is performed with a resolution corresponding to a larger number of pixels required for outputting the image file or the print in accordance with the sizes of the image file and the print to be output as specified in claims 4 and 12. However, Kinjo does suggest, prior to fine scanning, or the image reading for outputting a print P, the photoprinter 10 usually performs prescanning, or reading of the image at a different level of resolutions, in order to determine the image processing conditions and so forth. Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to adjust the scanning of input video images so as to provide at lower resolution or at a resolution with larger number of pixels (or higher resolution) to match the output requirements.

5. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo et al, in view of Hobson et al (US 6,317,152).

As applied to claims 3 and 11 above, it is noted that Kinjo et al does not particularly disclose that the image format conversion selects presence or absence of

an image compression, and wherein, when the image compression is performed, the image format conversion also selects presence or absence of a change of compression ratios as specified in claims 6 and 16. Although, Kinjo et al does not particularly disclose that the image format conversion selects presence or absence of an image compression, it is clear that Kinjo et al does teach about image compression and it would have been obvious that at some point, Kinjo et al must check to see if compression is performed after the input stage and may be before storage step (col. 22, ln. 17-23 and col. 23, ln. 22-27) and with regard to when the image compression is performed, the image format conversion also selects presence or absence of a change of compression ratios; Hobson et al teaches that recorded images are compressed so to greatly increase the storage capability of the system. Image compression ratios are not constant, but rather are determined by various system factors. A compression algorithm is selected for compressing the image as a function of image content, location of the image within a scene being recorded, and the quality, resolution, and threshold of the compressed image, etc (col. 2, ln. 22-29). Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to use different compression ratios in compressing video images as taught by Hobson et al. Doing so would help to greatly increase the storage capability of the system.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Matumoto (US 5,585,833) discloses a tone control method for thermal transfer type color printer.
- b. Enomoto (US 6,603,885) discloses an image processing method and apparatus.
- c. Suzuki (US 6,072,916) discloses a high speed pipeline image processing for digital photoprinter.
- c. Itoh (US 6,320,672) discloses an image reproducing apparatus and system, using the same

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 703-305-4648. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 703 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NHON DIEP  
PRIMARY EXAMINER

